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| 10/748,554 | 12/29/2003 | Laura Elizabeth Keck | 18349 | 8452 |
| 23556 | 7590 | 04/25/2005 | EXAMINER | |
| KIMBERLY-CLARK WORLDWIDE, INC. | | | BALSIS, SHAY L | |
| 401 NORTH LAKE STREET | | | ART UNIT | |
| NEENAH, WI 54956 | | | PAPER NUMBER | |
| | | | 1744 | |

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/748,554

Applicant(s)

KECK ET AL.

Examiner

Shay L. Balsis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 12-17, 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/24/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Claim 20 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 3/11/05.

Applicant also elected figure 1, for the election of species. Since applicant did not point out which claims corresponded to figure 1, the Examiner has taken it upon herself to correspond claims with figures. Therefore, only claims 1-11 and 18 will be examined. Claim 12 relates to figures 2A, 2B and 3. Claim 13 relates to figure 3 and claims 14-17 and 19 relate to claims 2A and 2B.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "the nonwoven web" in line 1. There is insufficient antecedent basis for this limitation in the claim. The Examiner is unsure which "nonwoven web" claim 3 is referring to since there are two nonwoven webs mentioned in the previous claim.

Claim 6 recites the limitation "the spunbond fibers web" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 7, 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Truong et al. (PGPub 20040074520).

Truong teaches a cleaning pad comprising a first side and a second side. The first side (figure 9, element 22) comprises a material which has the ability to attract and retain dirt, dust and other debris (claim 1). The second side (figure 9, element 21) comprises a material which has the ability to absorb fluids (claim 1). The first and second materials comprise a nonwoven web (paragraph [0059]) (claims 2, 7). The nonwoven web comprises multicomponent fibers (paragraph [0059]) (claim 3). The first material's nonwoven web is made of an air-laid, carded, stitch-bonded, thermo-bonded or resin-bonded construction (paragraph [0058]) (claim 4). There is a cleaning implement comprising a handle (figure 3, element 30), a head (figure 3, element 10) and a removable cleaning sheet (figure 3, element 20) (claim 18).

Claims 1-3, 7, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Rivera et al. (USPN 5094559).

Rivera teaches a cleaning pad comprising a first side and a second side. The first side (figure 21, element 22) comprises a material which has the ability to attract and retain dirt, dust

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and other debris (claim 1). The second side (figure 21, element 24) comprises a material which has the ability to absorb fluids (claim 1). The first and second materials comprise a nonwoven web (col. 4, lines 5-7; col. 6, lines 31-32) (claims 2, 7). The nonwoven web comprises multicomponent fibers (col. 4, lines 26-42; col. 6, lines 35-56) (claim 3). There is a cleaning implement comprising a handle (figure 12, element 96), a head (figure 12, element 98) and a removable cleaning sheet (figure 12, elements 22, 24) (claim 18).

Claims 1 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Sandqvist (WO 94/23634).

Sandqvist teaches a cleaning pad comprising a first side and a second side. The first side (figure 3, element 7) comprises a material which has the ability to attract and retain dirt, dust and other debris (claim 1). The second side (figure 3, element 3) comprises a material which has the ability to absorb fluids (claim 1). There is a cleaning implement comprising a handle (figure 4, element 50), a head (figure 4, element 75) and a removable cleaning sheet (figure 4, element 1) (claim 18).

Claims 1 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Penn (USPN 6044513).

Penn teaches a cleaning pad comprising a first side and a second side. The first side (figure 1, not labeled; col. 5, lines 57-62) comprises a material which has the ability to attract and retain dirt, dust and other debris (claim 1). The second side (figure 1, element 26) comprises a material which has the ability to absorb fluids (claim 1). There is a cleaning implement comprising a handle (figure 1, element 44), a head (figure 1, element 22) and a removable cleaning sheet (figure 1, element 26) (claim 18).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Truong as applied to claim 4 and further in view of Childs et al. (PGPub 20030003831).

Truong teaches all the essential elements of the claimed invention as stated above including that the multicomponent fibers are thermo-bonded or carded however, Truong fails to teach that the first material comprises a spunbond nonwoven web (claim 5), wherein the fibers are multicomponent fibers (claim 6). Childs teaches a cleaning sheet comprising a fibrous web selected from a variety of types of fibers including carded staple fibers, meltblown fibers, spunbonded fibers, hydroentangled fibers and thermal bonded fibers (paragraph [0009]). The substrate comprises at least three fibrous webs (paragraph [0035]). Child teaches that spunbond fibers and thermo-bonded fibers are equivalent structures known in the art (paragraph [0009]). Therefore, because these two fibers were art-recognized equivalents at the time of the invention was made, one of ordinary skill in the art would have found it obvious to substitute spunbonded for thermo bonded.

Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rivera as applied to claim 3 and further in view of Childs et al. (PGPub 20030003831).

Rivera teaches all the essential elements of the claimed invention as stated above however Rivera fails to teach that the first material comprises a spunbond nonwoven web (claims

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4, 5), wherein the fibers are multicomponent fibers (claim 6). Childs teaches a cleaning sheet comprising a fibrous web selected from a variety of types of fibers including carded staple fibers, meltblown fibers, spunbonded fibers, hydroentangled fibers and thermal bonded fibers (paragraph [0009]). The substrate comprises at least three fibrous webs (paragraph [0035]).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first material made from a material comprising a spunbond nonwoven web, since it has been held within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416. Additionally, spunbonded fibers are preferred since they minimize the amount of lint that will occur.

Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandqvist as applied to claim 1 and further in view of Childs et al. (PGPub 20030003831).

Sandqvist teaches all the essential elements of the claimed invention as stated above however fails to teach that the first material and the second material comprise a nonwoven web (claim 2). Also the first material comprises a spunbond nonwoven web (claims 4, 5), wherein the fibers are multicomponent fibers (claims 3, 6). Childs teaches a cleaning sheet comprising a nonwoven fibrous web (paragraph [0029]) selected from a variety of types of fibers including carded staple fibers, meltblown fibers, spunbonded fibers, hydroentangled fibers and thermal bonded fibers (paragraph [0009]). The substrate comprises at least three fibrous webs (paragraph [0035]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first material made from a material comprising a spunbond nonwoven web, since it has been held within the general skill of a worker in the art to select a

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know material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416. Additionally, spunbonded fibers are preferred since they minimize the amount of lint that will occur.

Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Penn as applied to claim 1 and further in view of Childs et al. (PGPub 20030003831).

Penn teaches all the essential elements of the claimed invention as stated above however fails to teach that the first material and the second material comprise a nonwoven web (claim 2). Also the first material comprises a spunbond nonwoven web (claims 4, 5), wherein the fibers are multicomponent fibers (claims 3, 6). Childs teaches a cleaning sheet comprising a nonwoven fibrous web (paragraph [0029]) selected from a variety of types of fibers including carded staple fibers, meltblown fibers, spunbonded fibers, hydroentangled fibers and thermal bonded fibers (paragraph [0009]). The substrate comprises at least three fibrous webs (paragraph [0035]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first material made from a material comprising a spunbond nonwoven web, since it has been held within the general skill of a worker in the art to select a know material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416. Additionally, spunbonded fibers are preferred since they minimize the amount of lint that will occur.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Truong as applied to claim 7 and further in view of Keck et al. (USPN 6807702).

Truong teaches all the essential elements of the claimed invention as stated above however, fails to teach that the second material comprises a nonwoven web comprising a mixture

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of thermoplastic fibers and an absorbent material (claim 8), wherein the absorbent material is a pulp or superabsorbent material (claim 9) and that the thermoplastic fibers comprise between 5% and 80% by weight of the thermoplastic polymers and between 95% and 20% by weight of pulp or superabsorbent. Keck teaches a cleaning sheet comprising a nonwoven fibrous web comprising a mixture of thermoplastic fibers and an absorbent material such as pulp (col. 4, lines 45-48). The nonwoven web comprises from about 5% to 45% by weight of thermoplastic polymer fibers and about 70-98% by weight of pulp. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the nonwoven web as taught by Keck as the second material on Truong since it has been held within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416. Additionally, the nonwoven web of Keck is highly durable, capable of absorbing and releasing liquids and also capable of picking up dirt (col. 1, lines 50-57).

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rivera as applied to claim 7 and further in view of Keck et al. (USPN 6807702).

Rivera teaches all the essential elements of the claimed invention as stated above however, fails to teach that the second material comprises a nonwoven web comprising a mixture of thermoplastic fibers and an absorbent material (claim 8), wherein the absorbent material is a pulp or superabsorbent material (claim 9) and that the thermoplastic fibers comprise between 5% and 80% by weight of the thermoplastic polymers and between 95% and 20% by weight of pulp or superabsorbent. Keck teaches a cleaning sheet comprising a nonwoven fibrous web comprising a mixture of thermoplastic fibers and an absorbent material such as pulp (col. 4, lines

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45-48). The nonwoven web comprises from about 5% to 45% by weight of thermoplastic polymer fibers and about 70-98% by weight of pulp. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the nonwoven web as taught by Keck as the second material on Rivera since it has been held within the general skill of a worker in the art to select a know material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416. Additionally, the nonwoven web of Keck is highly durable, capable of absorbing and releasing liquids and also capable of picking up dirt (col. 1, lines 50-57).

Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sandqvist as applied to claim 1 and further in view of Keck et al. (USPN 6807702).

Sandqvist teaches all the essential elements of the claimed invention as stated above however, fails to teach that the second material comprises a nonwoven web (claim 7) comprising a mixture of thermoplastic fibers and an absorbent material (claim 8), wherein the absorbent material is a pulp or superabsorbent material (claim 9) and that the thermoplastic fibers comprise between 5% and 80% by weight of the thermoplastic polymers and between 95% and 20% by weight of pulp or superabsorbent. Keck teaches a cleaning sheet comprising a nonwoven fibrous web comprising a mixture of thermoplastic fibers and an absorbent material such as pulp (col. 4, lines 45-48). The nonwoven web comprises from about 5% to 45% by weight of thermoplastic polymer fibers and about 70-98% by weight of pulp. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the nonwoven web as taught by Keck as the second material on Sandqvist since it has been held within the general skill of a worker in the art to select a know material on the basis of its suitability for the intended use as a

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matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416. Additionally, the nonwoven web of Keck is highly durable, capable of absorbing and releasing liquids and also capable of picking up dirt (col. 1, lines 50-57).

Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Penn as applied to claim 1 and further in view of Keck et al. (USPN 6807702).

Penn teaches all the essential elements of the claimed invention as stated above however, fails to teach that the second material comprises a nonwoven web (claim 7) comprising a mixture of thermoplastic fibers and an absorbent material (claim 8), wherein the absorbent material is a pulp or superabsorbent material (claim 9) and that the thermoplastic fibers comprise between 5% and 80% by weight of the thermoplastic polymers and between 95% and 20% by weight of pulp or superabsorbent. Keck teaches a cleaning sheet comprising a nonwoven fibrous web comprising a mixture of thermoplastic fibers and an absorbent material such as pulp (col. 4, lines 45-48). The nonwoven web comprises from about 5% to 45% by weight of thermoplastic polymer fibers and about 70-98% by weight of pulp. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the nonwoven web as taught by Keck as the second material on Penn since it has been held within the general skill of a worker in the art to select a know material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416. Additionally, the nonwoven web of Keck is highly durable, capable of absorbing and releasing liquids and also capable of picking up dirt (col. 1, lines 50-57).

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Truong in view of Keck as applied to claim 10 above and further in view of Childs et al. (PGPub 20030003831).

Truong in view of Keck teaches all the essential elements of the claimed invention as stated above however fails to teach that the first material comprises a spunbond nonwoven web (claim 11). Truong in view of Keck teaches that the first material is thermo-bonded or carded. Childs teaches a cleaning sheet comprising a fibrous web selected from a variety of types of fibers including carded staple fibers, meltblown fibers, spunbonded fibers, hydroentangled fibers and thermal bonded fibers (paragraph [0009]). Childs teaches that spunbond fibers and thermo-bonded fibers are equivalent structures known in the art (paragraph [0009]). Therefore, because these two fibers were art-recognized equivalents at the time of the invention was made, one of ordinary skill in the art would have found it obvious to substitute spunbonded for thermo bonded.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rivera in view of Keck as applied to claim 10 above and further in view of Childs et al. (PGPub 20030003831).

Rivera in view of Keck teaches all the essential elements of the claimed invention as stated above however fails to teach that the first material comprises a spunbond nonwoven web (claim 11). Childs teaches a cleaning sheet comprising a fibrous web selected from a variety of types of fibers including carded staple fibers, meltblown fibers, spunbonded fibers, hydroentangled fibers and thermal bonded fibers (paragraph [0009]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first material made from a material comprising a spunbond nonwoven web, since it has been held within the general skill of a worker in the art to select a know material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416. Additionally, spunbonded fibers are preferred since they minimize the amount of lint that will occur.

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Sandqvist in view of Keck teaches all the essential elements of the claimed invention as stated above however fails to teach that the first material comprises a spunbond nonwoven web (claim 11). Childs teaches a cleaning sheet comprising a nonwoven fibrous web (paragraph [0029]) selected from a variety of types of fibers including carded staple fibers, meltblown fibers, spunbonded fibers, hydroentangled fibers and thermal bonded fibers (paragraph [0009]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first material made from a material comprising a spunbond nonwoven web, since it has been held within the general skill of a worker in the art to select a know material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416. Additionally, spunbonded fibers are preferred since they minimize the amount of lint that will occur.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Penn in view of Keck as applied to claim 10 above and further in view of Childs et al. (PGPub 20030003831).

Penn in view of Keck teaches all the essential elements of the claimed invention as stated above however fails to teach that the first material comprises a spunbond nonwoven web (claim 11). Childs teaches a cleaning sheet comprising a nonwoven fibrous web (paragraph [0029]) selected from a variety of types of fibers including carded staple fibers, meltblown fibers, spunbonded fibers, hydroentangled fibers and thermal bonded fibers (paragraph [0009]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the first material made from a material comprising a spunbond nonwoven web,

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since it has been held within the general skill of a worker in the art to select a know material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416. Additionally, spunbonded fibers are preferred since they minimize the amount of lint that will occur.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb
4/20/05


JOHN KIM
SUPERVISORY PATENT EXAMINER